

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL APPEAL No 880 of 1994

For Approval and Signature:

Hon'ble MR.JUSTICE N.J.PANDYA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

PATEL DILIPBHAI PARSOTTAM & ANR.

Versus

STATE OF GUJARAT

Appearance:

MR NITIN M AMIN for Petitioners
MR ST MEHTA, ADDL.PUBLIC PROSECUTOR for Respondent No. 1
MR NN PANDYA for the orig.complainant.

CORAM : MR.JUSTICE N.J.PANDYA

Date of decision: 14/07/97

ORAL JUDGEMENT

The accused appellants were facing charge under Section 3(1)(10) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, and Sections 504 as well as 506(2) of IPC. The 1st.Special Judge and Addl. Sessions Judge, Bhavnagar, heard the matter and by

his judgment dated 1.9.1994 was pleased to convict the accused for the offence punishable under Section 506(2) of IPC and acquitted them for the remaining offences.

The Appeal is, therefore, confined to the conviction under Section 506(2) of IPC where they have been awarded sentence of RI for three years and fine of Rs.500/- in default, RI for six months. The parties have settled the matter amicably and a declaration to that effect is placed on record. The original complainant, namely, Mehurbhai Jethabhai Datal who is also present, confirms the same.

In view of the aforesaid development, so far as the Appeal is concerned, in the interest of continuation of prevailing peace and amicable atmosphere in the village, it is desirable that, instead of continuing with the sentence as awarded, I will maintain the conviction punishable under Section 506(2) of IPC. The appellant-accused be admonished and strictly warned that, if they repeat the offence, strict action would be taken against them and in future, they have to be very careful. The matter stands disposed of accordingly. Bail bonds shall stand cancelled. Direct service is permitted.

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